IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 682 OF 2007
IN
WRIT PETITION NO. 8428 OF 2005

P.J. Thankappan ..Applicant
Vs.
1. Pyarali Hirji Hammid and ors. ..Respondents

Mr. B.H. Vyas for applicant.
Mr. V.Y. Sanglikar for respondent-org.petitioner.

CORAM: B.H. MARLAPALLE, J.

Date : March 23, 2007.

P.C.:

1. Heard. Perused the affidavit filed opposing this application. Writ Petition No. 8428 of 2005 was decided by this court on 27/6/2006. The Receiver was directed to hand over vacant possession of the premises to the petitioner i.e. Pyarali Hirji Hammid on 31/3/2007. It is obvious that an extension of nine months was granted to the tenant and that too at the concessional rate of compensation. That period of nine months expires on 31/3/2007.

2. While opposing this application, in the affidavit in reply it has been pointed out that the applicant has two sons i.e. Brian and Ivan. The

elder son has a big flat at Borivali being B/10, Pranam, C.H.S., Chikuwadi, Mumbai 400 092 and it is alleged that the second son has been inducted with connivance as an obstructionist in the flat on the third floor where the decree has been confirmed right upto the Supreme Court. This flat is located in the same building where the suit flat is and is claimed to be big enough for the father and son to stay together for the time being, more so when the son is single.

3. Under these circumstances, there is no case made out to entertain this application for directing further extension at concessional rates.

4. The application is rejected.

(B.H. Marlapalle,J.)